

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

**JOINT STIPULATION BETWEEN
NON-PARTY BOSTON LATIN SCHOOL
AND PLAINTIFF STUDENTS FOR FAIR ADMISSIONS
REGARDING PLAINTIFF'S SUBPOENA FOR DOCUMENTS AND TESTIMONY**

WHEREAS, Students for Fair Admissions, Inc. ("SFFA") served a subpoena on Boston Latin School ("BLS") on or about March 6, 2017 for documents and testimony;

WHEREAS, the Office of Legal Advisor ("OLA") for the Boston Public Schools ("BPS") on behalf of BLS, moved to quash that subpoena on April 5, 2017;

WHEREAS, on May 9, 2017, this Court issued a ruling granting in part and denying in part BLS's motion to quash the subpoena (the "Order" - Dkt. 307);

WHEREAS, the current discovery deadline for fact discovery in this matter is June 20, 2017, the same time for which BLS is in its final month of end-of-the-year school activities for its approximately 2,400 students, including testing and graduation for senior students;

WHEREAS, SFFA and BLS have reached an agreement in order to facilitate implementation of the court ordered scope of discovery whereby the custodians BLS is required to search for responsive documents are limited to the administrators (non-teachers) and guidance

counselors at BLS, and that BLS does not need to include as custodians the teachers or other personnel at BLS, or personnel at any other BPS locations;

WHEREAS, BLS has begun complying with the Order and will use its best efforts to provide all responsive documents to SFFA on or before June 20, 2017 and SFFA is rescheduling BLS's deposition for on or before June 20, 2017;

WHEREAS, BLS notes for the record the required quick turnaround and difficult timing for BLS to search for and produce the required documents within the following several weeks given the end-of-school-year timing of both the Order and discovery deadline and does not know for certain whether it can fully comply with the subpoena by the June 20, 2017 deadline;

WHEREAS, BLS agrees that if it finds it needs additional time beyond June 20, 2017 to comply with the Order, and if the Court has not already acted on SFFA's pending request for a stay of the fact discovery deadline or otherwise extended the time period for fact discovery, BLS will make the appropriate application to the Court for an extension of time on or before June 20, 2017;

WHEREAS, SFFA assents to a request for extension of time by BLS and further agrees to postpone the time BLS has to fully comply with the subpoena (including the BLS deposition) upon entry of the proposed order submitted with this stipulation; and

WHEREAS, SFFA acknowledges that some of the documents that it has requested might contain personally identifiable information of students and would be subject to protection under the Family Education Rights and Privacy Act ("FERPA"), and SFFA agrees that BLS may redact such documents to prevent or minimize the disclosure of "personally identifiable information" of students as defined under FERPA.

NOW THEREFORE, the undersigned respectfully request that the Court enter the attached Proposed Order.

Respectfully submitted,

Students for Fair Admissions, Inc.
By Its Attorney,

Boston Latin School,
By Its Attorneys,
Eugene O'Flaherty, Corporation Counsel

/s/ Benjamin C. Caldwell
Benjamin C. Caldwell
Burns & Levinson LLP
One Citizens Plaza, Suite 1100
Providence, RI 02903
(401) 831-8330
bcaldwell@burnslev.com

/s/ Jennifer N. Seich Kelly
Jennifer N. Seich Kelly
Assistant Corporation Counsel
Office of Legal Advisor for BPS
2300 Washington Street, 4th Floor
Roxbury, MA 02119
Jkelly8@bostonpublicschools.org

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system.

/s/ Benjamin C. Caldwell

Benjamin C. Caldwell